

No. 6976-4Lab-72/27949.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Raj Potteries Works, Delhi Road, Gurgaon.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 32 of 1970

between

SHRI DEEP CHAND C/O GURGAON FACTORY WORKERS UNION, GURGAON AND THE MANAGEMENT OF M/S RAJ POTTERIES WORKS, DELHI ROAD, GURGAON.

Present.—

Shri Sharda Nand, for the applicant.

Shri D. N. Tailong, for the management.

AWARD

The Governor of Haryana in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 has been pleased to refer the following dispute to this Court for adjudication,—vide *Haryana Government Gazette* notification No. ID/14473-77. dated 20th May, 1969.

“Whether the termination of services of Shri Deep Chand, was justified and in order? If not; to what relief is he entitled?”

It is not necessary to decide the case on merits because compromise has been arrived at between the parties. The representative of the workman has made a statement that the workman has received a sum of Rs. 66.73 and he is not interested in re-instatement as he has got an employment elsewhere.

Since the workman has not produced any evidence in support of his claim that the termination of his service was justified, I hold that he is not entitled any further relief. I give my award accordingly.

Dated 15th June, 1972.

P. N. THUKRAL,

Presiding Officer,

Labour Court, Haryana,
Rohtak (Camp at Gurgaon).

No. 1133, dated Rohtak, the 17th June, 1972.

Forwarded (4 copies) to the Secretary to Government, of Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak (Camp at Gurgaon).

No. 6977-4Lab-72/27953.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Nice Steel Industries, Gurgaon.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 78 of 1972

between

Shri Rattan Singh, C/o Gurgaon Engineering Workers Union, House No. 214, 4 Marla, Gurgaon and the management of M/s Nice Steel Industries, Gurgaon.

Present.—

Shri Sharda Nand, for the workman.

Shri D.C. Chadha, for the management.

AWARD

The Governor of Haryana in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, has been pleased to refer the following dispute to this court for adjudication,—*vide* Haryana Government Gazette notification No. ID/GG/111-A-71/7276, dated 23rd February, 1972:—

“Whether the termination of service of Shri Rattan Singh was justified and in order? If not, to what relief is he entitled?”

The management in their written statement have pleaded that the applicant Shri Rattan Singh was employed as a learner for a period of 6 months with effect from 15th June, 1971. It is pleaded that on 25th November, 1971, he approached the management with a request that his account may be settled as he wanted to leave the job. This request was not accepted and thereafter the applicant absented himself from duty and his name was struck off. It is pleaded that on 24th January, 1972, the applicant came and settled his accounts and received the amount due to him and so there is now no dispute between the parties.

The representative of the workman admits the correctness of the version of the management, I, therefore, hold that the termination of his services was justified and he is not entitled to any relief. I give my award accordingly. No order as to costs.

The 15th June, 1972

P. N. THUKRAL,
Presiding Officer,
Labour Court, Haryana, Rohtak
(Camp at Gurgaon).

No. 1134, dated 17th June, 1972

Forwarded (4 copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Haryana, Rohtak
(Camp at Gurgaon).

The 27th June, 1972

No. 7003-4Lab-72/27951.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Rohtak General Transport Co. (P) Ltd., Rohtak.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 161 of 1971

Between

Shri Jai Kishan, C/o Shri S.N. Vats, Secretary, Haryana Motor Transport Workers Union (Regd), Rohtak, and the management of M/s Rohtak General Transport Co. (P) Ltd., Rohtak.

Present.—

Shri S.N. Vats for the workman.

Nemo for the management.

AWARD

M/s Rohtak General Transport Co. (P) Ltd., Rohtak, terminated the services of their conductor, Shri Jai Kishan. This gave rise to an industrial dispute. Accordingly the Governor of Haryana in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this court for adjudication,—*vide* Government Gazette notification No. ID/RK/89E-71/27040-44, dated 1st September, 1971:—

“Whether the termination of services of Shri Jai Kishan was justified and in order? If not, to what relief is he entitled?”

On receipt of the reference usual notices were issued to the parties for 23rd November, 1971. The file was not put up on the date fixed. On the next date Shri Chanchal Singh accepted service on behalf of the respondent and requested for adjournment in order to enable him to file a letter of authority and a written statement on behalf of the respondent. Accordingly the case was adjourned to 21st December, 1971. A written statement together with a letter of authority was filed. The case was adjourned to 7th January, 1972 for replication because the respondent took up the plea that the business of the respondent had come to an end on account of the nationalisation policy of the Government. The respondent also took up a plea that the applicant had himself absented from duty with effect from 12th June, 1970, and so he was deemed to have abandoned his service. The workman in his replication pleaded that he had gone on sanctioned leave. The pleadings of the parties gave rise to the following issues :—

- (1) Whether the applicant absented himself with effect from 12th June, 1970, and is, therefore, deemed to have abandoned his service ?
- (2) Whether the applicant had applied for six months leave from 12th June, 1970, which was duly sanctioned ?
- (3) If issue No. 1 is not proved whether the termination of the services of the applicant were justified and in order ? If not to what relief is he entitled ?
4. Whether the respondent company has stopped its business ? If so what is its effect ?

Issues No. 1 to 3.—The case was adjourned to 30th March, 1972, for evidence but no evidence was produced. Shri Chanchal Singh made statement that Shri Om Parkash Mehta had ceased to be the General Manager and the management had been transferred to Shri Tara Chand and so he wanted to seek further instructions. On his request the case was adjourned to 19th June, 1972, for evidence. On the date fixed I waited for the representatives of the management till 11.15 a.m., court time being from 7.00 a.m. but no body appeared on their behalf. So the *ex parte* evidence of the workmen was recorded.

Shri Jai Kishan workman has appeared as a witness and has stated that he proceeded on six months leave from 11th June, 1970, which was duly sanctioned by Shri Sahab Dayal, Director and Traffic Manager of the respondent. He has also produced the original leave application marked Exhibit W.W. 1/1 containing the orders sanctioning his leave. It is thus satisfactorily established that the workman had not absented himself from duty as alleged but had gone on sanctioned leave and so his name could not have been struck off from the rolls. Accordingly, I find all the issues Nos. 1 to 3 in favour of the workman.

Issue No. 4.—The workman in his supplementary statement admits that on account of the nationalisation policy of the Government a number of routes of the respondent company have not been renewed and a number of conductors, had been retrenched. The workman says that he has no objection if he is also paid retrenchment compensation and this is exactly the plea of the respondent.

The workman has stated that he has served the respondent company for a period of 22 years. He says that he was getting salary at Rs 132 per mensem with Rs 45 per mensem as trip commission, Rs 2 as washing allowance and Rs 12 as uniform allowance and his total salary came to Rs 191 per mensem. The workman is thus entitled to Rs 191 on account of notice pay and Rs 2,101 on account of retrenchment compensation. The total amount due to him comes to Rs 2,292. I hold that the applicant is not entitled the relief for reinstatement under the circumstances of the case but he is entitled to Rs 2,292 as stated above. No order as to costs.

Dated 20th June, 1972.

P.N. THUKRAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 1171 dated, Rohtak the 20th June, 1972

Forwarded (4 copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes act, 1947.

P. N. THUKRAL,
Presiding Officer,
Labour Court, Haryana, Rohtak.

The 28th June, 1972

No. 7083-4Lab-72/28206. In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Nav Bharat Industries, Rohtak.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 98 of 1970

between

WORKMEN AND THE MANAGEMENT OF M/S NAV BHARAT INDUSTRIES, ROHTAK

Present:—

Shri S.N. Vats for the applicants.

Shri Krishan Chand for the management.

AWARD

The following industrial dispute was referred to the Labour Court, Faridabad for adjudication,—*vide* Haryana Government Gazette Notification No. ID/31977-81, dated 30th December, 1969:—

“Whether the workers of the night shift are entitled to get a cup of tea free of any charges ? If so, with what details and from which date?”

The Labour court, Faridabad ceased to function by reason of judgement, dated 2nd September, 1969 of Hon'ble justice Mr. Tuli given in Civil Writ Petition No. 1129 of 1969 filed by M/s Gedore Tools (I) Limited, Faridabad. The Government of Haryana constituted another Labour Court,—*vide* Gazette Notification No. 3864-ASO(E)-Lab-70, dated 8th May, 1970 and referred all the pending disputes including the present reference to this court,—*vide* Gazette Notification No. 6091-E-Lab-70/22387, dated 31st July, 1970.

On receipt of the reference usual notices were issued to the parties by my learned predecessor, Shri O.P. Sharma. It is, however, not necessary to decide the reference on merits because as many as 89 workmen employed in the respondent concern have given an application, dated 4th April, 1972 to this court that the workmen of the respondent concern have ceased to be members of the Engineering Workers Union (Regd.), Bhiwani Bus Stand, Rohtak which expoused the present dispute on their behalf and they have set up another union by the name of Udhogik Karamchari Sangh Registered, Rohtak. The workmen of the respondent concern now pray that proceedings in the present reference should not be continued. The office bearers of the new union who presented application dated 4th April, 1972 submitted that a talk of compromise with regard to the general grievances is going on between the workmen and the management and, therefore, it would not be conducive to harmonious relation between the parties if the present dispute is continued. It is prayed that the present dispute may not be decided on merits. Shri Krishan Chand, Personal Officer who has appeared on behalf of the respondent is agreeable to this course being adopted. Shri S.N. Vats office bearer of Engineering Workers Union (Regd.), Rohtak, has opposed the application dated 4th April, 1972 on the ground that the Udyogik Karamchari Sangh (Regd.), Rohtak is not a party to the present dispute and this Sangh has *no locus standi* to be heard in the present proceedings. Shri Vats in his reply has vaguely stated that most of the signatures on the application, dated 4th April, 1972 are bogus and some of the signatures have been obtained by undue pressure. Shri Vats is not even in a position to give the names of the workmen whose signatures are said to have been obtained by undue pressure or give the names of the workmen whose signatures are said to be bogus. The reply given by Shri S.N. Vats does not bear the signatures of any workman. Shri Vats states that it is not necessary that his reply should bear the signatures of any workman nor it is necessary for him to file any affidavit. To my mind, it is clear from the application dated 4th April, 1972 and the type of reply given by Shri Vats under his own signature that the union of which Shri Vats is an office bearer has lost the representative capacity because a substantial numbers of workmen employed in the respondent concern were no longer member of his union. In view of the application given by as many as 89 workmen and the willingness of the Prop. that the present proceedings should not be continued and in the interest of harmonious relations between the parties, I am of the opinion that it would not be in the interest of justice to proceed further with the present reference and give any findings on the merits of the case. Both the parties do not wish that the present proceedings be dragged on. The object of the Industrial Disputes Act is as to bring about harmonious relations between the parties and not to encourage discord between them. Under these circumstances I give no finding on the subject matter of dispute referred to this court for adjudication. The workmen would be entitled to raise a fresh notice of demand if any of their grievances remain un-redressed. I give my award accordingly. No order as to costs.

Dated 21st June, 1972

P.N. THUKRAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 1172, dated the 22nd June, 1972

Forwarded (4 copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P.N. THUKRAL,
Presiding Officer,
Labour Court, Haryana,
Rohtak.